

CIVIL DOCKET
UNITED STATES DISTRICT COURT

JUDGE DAUGHERTY

67-C-102

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

CHARLES L. HAM

vs

Aetna Life Insurance Co. a corp.

For plaintiff:

Alvin L. Floyd and John Kerr
305 Pythian Building
Tulsa, Oklahoma LU 5-1544

For defendant:

Farmer, Woolsey, Flipppo & Bailey
602 National Bank of Tulsa Bldg
Tulsa, Oklahoma LU 5-1181

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 7-5-67

Clerk

1967
6-16
6-22

Woolsey
CD 54

15 00

15 00

J.S. 6 mailed

3-69

Marshal

Basis of Action: Breach of
insurance contract

Docket fee

Witness fees

Action arose at: Tulsa,
Oklahoma

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-67	Petition for Removal from the District Court of Tulsa County, Okla, filed. ds	
6-16-67	Bond on Removal, filed. Aetna Life Insurance Co, principal, and Hartford Accident and Indemnity Co, surety, in the sum of \$500.00. ds	
6-16-67	Notice of filing petition and bond for removal by a corporation, filed. ds	
6-19-67	Application of defendant for extension of time in which to plead or answer, filed. b	
6-19-67	Order filed, extending time for defendant to plead or answer, to and including July 5, 1967. (NCH-B) b	
7-5-67	Defendant's Answer, filed. ds	
7-14-67	Ordered by the Court that this case is set for pre-trial on Monday, August 7, 1967 at 11:40 A. M. (Fred Daugherty - Judge) b	
8-7-67	Amendment to answer filed. h	
8-7-67	Case called for pre-trial hearing. Ordered by the Court that the defendant is granted leave to file an amendment to its answer and case is stricken from the pre-trial assignment, pending case in Texas. (Fred Daugherty - Judge)	
9-7-67	Defendant's motion for inspection of photographs, filed. b	
9-7-67	Defendant's brief in support of motion for inspection of photographs, filed. b	
9-11-67	Ordered by the Court that the plaintiff respond, with brief, to the defendant's motion for inspection of photographs within 10 days if he objects. (Fred Daugherty - Judge) b	
9-26-67	Ordered by the Court that this case is set for pre-trial on Tuesday, October 24, 1967 at 9:00 A. M. (Fred Daugherty - Judge) b	
10-3-67	Ordered by the Court that the plaintiff having confessed the defendant's motion for inspection of photographs and photographs having been furnished, the motion is now moot. (Fred Daugherty - Judge) b	
10-24-67	Plaintiff files motion to strike amendment to answer with brief in open court. Ordered by the Court that this case is stricken from pre-trial docket of this day and defendant directed to respond to motion to strike within 10 days. (Fred Daugherty - Judge) b	
10-24-67	Plaintiff's motion to strike amendment to answer, filed, in open court. b	
10-24-67	Plaintiff's brief in support of motion to strike amendment to answer, filed in open court. b	
11-1-67	Ordered by the Court that the defendant is granted 10 additional days within which to file response and brief to the plaintiff's motion to strike amendment to its answer. (Fred Daugherty - Judge) b	
11-8-67	Response of defendant to motion to strike amendment to answer and brief in support of same, filed. b	
2-2-68	Amended motion to strike amendment to answer, filed. b	
2-2-68	Plaintiff's brief in support of amended motion to strike amendment to answer, filed. b	
2-2-68	Plaintiff's interrogatories to the defendant, filed. b	
2-15-68	Answers to plaintiff's interrogatories, filed. g	
3-5-68	Plaintiff's motion for summary judgment, filed. b	
3-5-68	Plaintiff's brief in support of motion for summary judgment, filed. b	
3-5-68	Plaintiff's motion for inspection of documents, filed. b	
3-5-68	Plaintiff's brief in support of motion for inspection of documents, filed. b	
3-5-68	Plaintiff's interrogatories to the defendant, filed. b	
3-6-68	Ordered by the Court that the defendant respond, with brief, to plaintiff's motion for summary judgment, within 10 days from date. (Fred Daugherty - Judge) b	
3-6-68	Ordered by the Court that the defendant comply with the plaintiff's motion for inspection of documents within 10 days from date; and if	

(Continued on Page No. 3, Sheet No. 2)

file mailed
11-8
2-2 mo B
mailed

mailed 3-5

D. C. 110A Rev. Civil Docket Continuation

(Sheet No. 2)

9

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-18-68	motion is opposed that defendant file a response, with brief, within the ten day period. (Fred Daugherty - Judge) b Ordered by the Court that the plaintiff's motion for inspection of documents filed on 3-5-68 is confessed by the defendants and compliance will be made; and the defendant is granted further time, until 3-26-68, within which to respond to the plaintiff's motion for summary judgment. (Fred Daugherty - Judge) b	
3-20-68	Order filed, that plaintiff's motion to strike and amended motion to strike amendment to answer are denied. (Fred Daugherty-Judge) b copies mailed	
3-26-68	Defendant's Answers to Interrogatories filed on 3-5-68, filed. w	
3-26-68	Response and memorandum brief in opposition to motion of plaintiff for summary judgment, filed. w	
3-26-68	Deposition of Charles L. Ham, on behalf of the defendant, taken before Timothy Holmes, C.S.R. (\$128.00)	
4-2-68	Supplemental answer to interrogatory No. 1 and 4 served on defendant on or about March 5, 1968, filed.	
4-15-68	Order filed, that plaintiff's motion for summary judgment be overruled. (Fred Daugherty - Judge) b copies mailed to attorneys.	
6-17-68	Ordered by the Court that this case is set for pre-trial on Tuesday, July 2nd, 1968 at 2:00 P. M. (Fred Daugherty - Judge) b	
6-28-68	Motion for summary judgment filed by defendant. h	
6-28-68	Brief in support of motion for summary judgment filed. h	
7-2-68	Ordered by the Court that case is stricken from the pre-trial assignment, that plaintiff is granted 10 days within which to file response with counter affidavits and brief to defendant's motion for summary judgment. (Fred Daugherty - Judge)(Lee Cook-CSR) b	
7-30-68	Response in opposition to the motion of the defendant for summary judgment, filed, by plaintiff. b	
7-30-68	Plaintiff's brief in opposition to motion of defendant for summary judgment, filed. b	
8-5-68	Reply of Aetna Life Insurance Co., to response of Charles L. Ham opposing motion of Aetna for Summary Judgment, filed. <i>mailed</i>	
10-10-68	Order that defendant's motion for summary judgment be denied and overruled, filed. (FD-J) ds copies mailed to attorneys	
10-23-68	Ordered by the Court that this case is set for pre-trial on Wednesday, October 30th, 1968 at 4:30 P. M. (Fred Daugherty - Judge) b	
10-30-68	Pre-trial hearing held, statements and stipulations made, parties waive jury trial, plaintiff consents to defendant's doctors examining him and parties are to exchange doctors' reports, parties to file brief simultaneously within 30 days on the question of permanent - total disability. Parties to exchange list of witnesses and exhibits by December 15, 1968 and supplemental list by December 30, 1968. Ordered by the Court that the plaintiff prepare pre-trial order and case is to be set on non-jury assignment. (Fred Daugherty-Judge)(LC-CSR)b	
11-27-68	Memorandum brief on the question of the liability of Aetna for the aggravation of a pre-existing condition, filed. b	
1-2-69	Case set for non-jury trial on Mon. 2-10-69 at 9:30 A.M. (FD-J)h	
2-3-69	Defendant's list (letter) of witnesses, filed. b	
2-5-69	Memorandum brief on the question of liability for aggravation of a pre-existing condition, filed. ds	
2-5-69	List of Plaintiff's witnesses, filed. ds	
2-10-69	Return on subpoena, filed. Served H. M. Anderson personally in Tulsa, Okla. on 2-7-69 and Dr. Joseph Salamy by serving Mrs. Joseph Salamy in Tulsa, Okla. on 2-7-69. (Fees: \$2.00)m	

over

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-11-69	Deposition of Dr. Joseph Salamy, for defendant, on 2-8-69, before Frank L. Peterson, CSR, \$16.00 paid by defendant, filed. ds	
2-10-69	Case called for trial. Case passed to 1:30 P.M., Tuesday 2-11-69.(FD-J)b	
2-11-69	Case called for trial. Parties announce settlement has been reached. Judgment signed, filed and entered in open Court, that plaintiff recover \$20,000.00 from defendant. (FD-J)m	
2-11-69	Release and satisfaction of judgment, filed. m	
		